



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,068	10/26/2001	Danny S. Lim	SONY-50P4413.01	8397

7590 03/08/2006
WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,068

Applicant(s)

LIM ET AL.

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 12, 13, 15, 17-20 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10, 11, 14, 16, 21, 22, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 112

1. Claims 10-11, and 25-26, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 2, recites the limitation of "said list of transfer records". There is insufficient antecedent basis for this limitations in the claim.

Claims 25 and 26, line 1, respectively, recites the limitation of the computer system as described in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 12-13, 17-20, 25, are rejected under 35 U.S.C. 102(b) as being anticipated by Yao et al.

Yao et al discloses a video transmission apparatus that shows all the limitations recited in claims 1, and 18, including the feature of recognizing a plurality of pre-recorded programs selected for transfer by a user (See Yao et al's Figure 5, step S21), the feature of recognizing an associated transfer period programmed by the user for each of the plurality of pre-recorded programs selected for transfer (See the schedule information which would include time slots shown in Yao et al's Figure 5, step S25), and

the feature of transferring each of the plurality of pre-recorded programs selected for transfer during the associated transfer period to a remote electronic device as specified in the present claims 1, and 18. (See Yao et al's Figure 5, step S25-S26, and claims 4-5).

With regard to claims 2, 13, and 19, the feature of storing the associated transfer period as an associated record in a list of transfer records as specified thereof is present in Yao et al. (See the schedule information shown in Yao et al's Figure 5, Step S25).

With regard to claims 3, and 20, the feature of transferring the plurality of pre-recorded programs selected for transfer during the associated transfer period as specified thereof is present in Yao et al. (See Yao et al's claims 4-5).

With regard to claims 8, and 25, the feature of the first electronic device being a digital video recorder as specified thereof is present in Yao et al. (See Yao et al's Figure 3, component 3).

With regard to claim 12, the feature of transferring a first program during a first transfer period and transferring a second program during a second transfer period to the remote electronic device as specified thereof would be present in Yao et al. (See Yao et al's Figure 5, steps 23, 25, 26, where it is disclosed the capability of transferring a plurality of unit streams at different transfer periods).

With regard to claim 17, the feature of the television program recited thereof would have been present in the cited reference of Yao et al. (See Yao et al's Figure 3, component 81, and column 5, lines 52-58, and column 1, line 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-7, 9, 15, 23-24, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al in view of Official Notice.

Yao et al discloses a real time transmitting apparatus that shows substantially the same limitations recited in claims 6, 15, and 23, including the feature of transmitting to a remote device pre-recorded programs data at an associated transfer period as specified in the present claims 6, 15, and 23. (See Yao et al's Figure 5).

Yao et al fails to specifically disclose the feature of powering and beginning a recording operation at the remote device as specified in the present claims 6, 15, and 23.

Examiner takes Official notice in that it is notoriously well known in the video recording/reproducing art to receive transmitted video/television signals at a remote location such as a VCR, or DVR, wherein scheduling recording operation would take place at said remote location at the time of the receipt of said television signals, wherein the scheduling would include the feature of starting and stopping the recording operation as appropriate as specified in the present claims 6, 15, and 23.

Therefore, it would have been obvious to one skilled in the art to modify the Yao et al's apparatus wherein the remote location provided thereof (See Yao et al's Figure 3, component 7) would incorporate the capability of receiving the transmitted video/television signals thereof in a manner to schedule recording operation of said received television signals at the time of the receipt of said television signals, wherein the scheduling would include the feature of starting and stopping the recording operation as appropriate in the same conventional manner as is well in the prior art. Examiner has taken Official Notice. The motivation is to be able to save and retrieve the received television signals on and from the recording apparatus at any desired time as suggested in the prior art.

With regard to claims 7, and 24, the feature of stopping the recording operation at the end of the transfer period as specified thereof would be inherently present in the proposed combination indicated above. Because, the proposed combination of Yao et al

and Official Notice indicated above would incorporate the capability of stopping the recording operation at an appropriate time as desired.

With regard to claims 9, and 26, the feature of the electronic device being a video cassette recorder as specified thereof would be present in the proposed combination of Yao et al and Official Notice indicated above. (See the above Official Notice statement).

6. Claims 4-5, 14, 16, 21-22, 27-28, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 10-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Ito et al discloses a data reproduction using time slot allocation.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
March 3, 2006.


ROBERT CHEVALIER
PATENT EXAMINER